

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) CASE NUMBER 12-CR-30188-DRH
)
)
JODY D. MARKEL,) Title 18, United States Code, Section 1344
)
)
Defendant.)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

Bank Fraud

From on or about September 1, 2008 and continuing through on or about October 31, 2008, in Madison County and elsewhere within the Southern District of Illinois,

JODY D. MARKEL,

defendant herein, did knowingly and with the intent to defraud, execute or attempt to execute a scheme to defraud a bank or financial institution by engaging in a “check kiting” scheme to defraud the Bank of Edwardsville and the First National Bank of Staunton. At all times relevant to the acts charged in this information, the Bank of Edwardsville and the First National Bank of Staunton had their deposits insured by the Federal Deposit Insurance Corporation.

All in violation of Title 18, United States Code, Section 1344.

Background:

1. In October 2005, **JODY D. MARKEL**, Frank Dickerson, and Randall Hannis established Topflight Logistics, Inc., a commercial freight shipping and brokering business, located in Edwardsville, Illinois.

2. TFV Trucking, LLC was operated out of Alton, Illinois and was owned by Vern VanHoy, Randy Hannis, and Jody Markel.

3. In October 2007, Topflight Logistics, Inc. and TFV Trucking, LLC entered into an Account Receivable Agreement, wherein Topflight Logistics, Inc. agreed to broker trucking services, while TFV Trucking, LLC would perform shipping operations.

4. **JODY D. MARKEL** was the President of TFV Trucking, LLC located in Edwardsville, Illinois. TFV Trucking, LLC owned commercial checking account number *****4901 through the Bank of Edwardsville.

5. As President of TFV Trucking, LLC, **JODY D. MARKEL** was in charge of managing financial records. These duties included remitting payment from brokered trucking services to TFV Trucking, LLC. Throughout his tenure as financial officer of TFV Trucking, LLC, **JODY D. MARKEL** retained exclusive control over the management of the financial records and performance related duties for TFV Trucking, LLC.

6. **JODY D. MARKEL** was the President of Topflight Logistics, Inc., located in Alton, Illinois. Topflight Logistics, Inc. owned commercial checking account number ***1100 through the First National Bank of Staunton.

7. As President of Topflight Logistics, Inc., **JODY D. MARKEL** was in charge of managing financial records of Topflight Logistics, Inc. Throughout his tenure as financial

officer of Topflight Logistics, Inc., **JODY D. MARKEL** retained exclusive control over the management of the financial records of Topflight Logistics, Inc.

The Scheme To Defraud

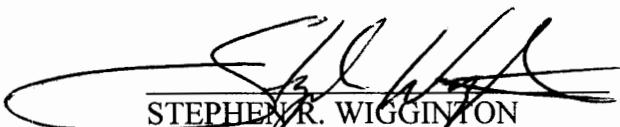
8. Check kiting is a scheme to obtain funds from a bank by knowingly drafting and depositing of a series of overdraft checks between two or more federally insured banks for the purpose of artificially inflating account balances. Check kiting schemes take advantage of delays inherent in the banking system that occur between the time that a bank receives and credits a check for deposit and the time when that check is fully processed, also known as the "float time."

9. **JODY D. MARKEL** used Bank of Edwardsville (BOE) account *****4901 and the First National Bank of Staunton (FNB) account ***1100 to make a number of inter-account transfer deposits and withdrawals for the purpose of obfuscating the actual account balances. The inter-account transfer deposits were made in furtherance of the kiting scheme. The frequency and amounts of the inter-account transfer deposits greatly exceeded the frequency and amounts of actual deposits that were received from third parties.

<u>Month</u>	<u>Account</u>	<u>Actual deposits</u>	<u>Inter-account</u>
<u>transfers</u>			
Sept., 2008	BOE (4901)	\$42,934.50 (4.6%)	\$887,676.75 (95.4%)
	FNB (1100)	\$ 5,960.20 (0.7%)	\$896,370.00 (99.3%)
	Total	\$48,894.70 (2.7%)	\$1,784,046.75
	(97.3%)		
Oct., 2008	BOE (4901)	\$ 0.00 (0%)	\$310,803.00 (100%)
	FNB (1100)	\$69,907.20	\$357,276.76 (83.6%)
	Total	\$69,907.20 (9.5%)	\$668,079.76 (90.5%)

10. A total of 208 checks were cross-deposited by **JODY D. MARKEL**.
11. The total amount of value of the checks that were cross-deposited was \$2,186,214.75.
12. The loss to BOE as a result of the kiting scheme totaled \$154,614.14.
13. The loss to FNB as a result of the kiting scheme totaled \$57,809.00.

UNITED STATES OF AMERICA



STEPHEN R. WIGGINTON
United States Attorney



KATHERINE L. LEWIS
Assistant United States Attorney